

FILED
SAN MATEO COUNTY

JUL 19 2019

Clerk of the Superior Court

By

DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

SIX4THREE, LLC, a Delaware limited liability company,

Plaintiff,

v.

FACEBOOK, INC., a Delaware corporation;
MARK ZUCKERBERG, an individual;
CHRISTOPHER COX, an individual;
JAVIER OLIVAN, an individual;
SAMUEL LESSIN, an individual;
MICHAEL VERNAL, an individual;
ILYA SUKHAR, an individual; and
DOES 1-50, inclusive,

Defendants.

Case No. CIV 533328

Assigned for all purposes to Hon. V. Raymond Swope, Dept. 23

**ORDER STRIKING PLAINTIFF COUNSEL
MACDONALD FERNANDEZ LLP'S
VERIFIED STATEMENT OF
DISQUALIFICATION FILED JULY 12, 2019**

CIV533328
OS
Order Striking
1948852



IT IS HEREBY ORDERED that Plaintiff SIX4THREE, LLC'S ("Plaintiff") Verified Statement of Disqualification, filed July 12, 2019, ("Statement") against Judge V. Raymond Swope, Department 23, is STRICKEN.

THE COURT FINDS as follows:


First, Plaintiff's stated basis for disqualification is its contention that the Court's grounds for issuing an order striking the peremptory challenge as untimely is in error. (Statement, supra, at ¶¶ 2, 3.) This is an improper grounds for seeking disqualification. "If the alleged bias set forth in the statement of disqualification is merely based on dissatisfaction with the judge's rulings, the judge properly strikes the statement because it does not show legal cause for the challenge." (CJER, Cal. Benchguide: Disqualification of Judge (Revised 2010) § 2:25.) On its face, the Statement "discloses no legal grounds

for disqualification” and it is therefore stricken. (Code Civ. Proc. § 170.3, subd. (b).)

Second, Plaintiff failed to personally serve the Statement “on the judge alleged to be disqualified, or on his or her clerk, provided that the judge is present in the courthouse or in chambers.” (Code Civ. Proc., § 170.3, subd. (c)(1).) Furthermore, the filed proof of service of the Statement does not reflect personal service on the judge or his clerk.

IT IS SO ORDERED.

Dated: JUL 18 2019


Honorable V. Raymond Swope
Judge of the Superior Court of California